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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,362	01/25/2002	Antonius Hendricus Maria Holtslag	NL 010165	8037

24737 7590 03/08/2007  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT PAPER NUMBER

2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	03/08/2007	PAPER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

**MAR 08 2007**

**Technology Center 2600**

Application Number: 10/056,362  
Filing Date: January 25, 2002  
Appellant(s): HOLTSLAG ET AL.

Larry Liberchuk, Reg. No. 40,352  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/23/2005 appealing from the Office action mailed 1/14/2005 and 4/14/2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.(2)

**Related Appeals and Interferences**

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

## **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 9-12, 15 and 16 are rejected under 35 U.S.C. 102(a) as being disclosed by Rosser, (US Patent Number 6,446,261 B1).

A. Rosser discloses claim 1, “A system comprising:

a display information-generating device for generating display information [col. 5, lns. 7-20],

a display apparatus having a display screen for displaying the display information [col. 5, lns. 13-

20], detection means for detecting whether at least one of the following criteria is fulfilled

for display information being displayed in a portion of the display screens [col. 5, lns. 7-13 and

44-48; wherein viewer usage monitor and triggers both inherently correspond to detection means];

(i) an application is one of a group of applications indicating that non-synthetic information is displayed, in which the application is not a picture viewer [col. 5, lns. 21-24, wherein ‘picture in a picture’ corresponds to “non-synthetic information” and “display information being displayed in a portion of the display screens”],

(ii) an extension of a file is one of a group of extensions indicating that non-synthetic information is displayed [not disclosed by Rosser, but then this is not required since

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“whether at least one of the following criteria is fulfilled” is the requirement. (Emphases added)

However, just to note, Berger et al., US 6,414,693 B1 does disclose element (ii)], and enhancement means for enhancing the display information being displayed in said portion of the display screen if at least one of the criteria (i) and (ii) is true [col. 5, lns. 24-30, wherein ‘magnifyable’ corresponds to “enhancement means” as detailed on p. 3 of specification as “drawing attention to the area”]” as [detailed].

B. Per independent claims 11, 15 and 16, these are directed to a method, system and method, respectively, for the system of independent claim 1, and therefore are rejected to independent claim 1. Wherein “moving information is displayed “ is not required to be disclosed since only “at least one of the following criteria is fulfilled” is the requirement.

C. Rosser discloses claim 9, “The system as claimed in claim 1, wherein the detection means are adapted to supply a control signal to automatically activate the enhancing by the enhancement means [col. 5, lns. 13-25, wherein the condition of (i) is already asserted since the data is video] if the detection means detects in the part of the display information that at least one of the criteria (i) and (ii) is true” supra and as [detailed].

D. Rosser discloses claim 10, “The system as claimed in claim 9, wherein the system further comprises input means for receiving user input to supply user information indicating whether the part of the display information should be enhanced or not [col. 5, lns. 25-30 at ‘(for people who wanted to examine some detail of the video) and even rotatable (for people who may want to lie down and have the video on its side as well)’], and a control means receiving the control signal from the detection means and the user information to supply an adapted control signal to activate or deactivate the enhancing in correspondence with the user input, independent of the automatic

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detection by the detection means [col. 5, lns 25-30 at 'The warping necessary for the downstream, slave LVIS system, could be used to make one or more of these windows re-sizable, magnifyable'] supra for claim 10 and as [detailed].

E. Rosser discloses claim 12, "A computer supplying display information for use in a display apparatus with a display screen, the computer comprising:

detection means for detecting whether at least one of the following criteria is fulfilled for display information being displayed in a portion of the display screen [col. 5, lns. 7-13 and 44-48; wherein viewer usage monitor and triggers both inherently correspond to detection means]:

(i) an application is one of a group of applications indicating that non-synthetic information is displayed [col. 5, lns. 7-20], in which the application is not a picture viewer [col. 5, lns. 21-24, wherein 'picture in a picture' corresponds to "non-synthetic information" and "display information being displayed in a portion of the display screens"]],

(ii) an extension of a file is one of a group of extensions indicating that non-synthetic information is displayed [not disclosed by Rosser, but then this is not required since "whether at least one of the following criteria is fulfilled" is the requirement. (Emphases added)

However, just to note, Berger et al., US 6,414,693 B1 does disclose element (ii)], and means for only providing coordinates for use in the display apparatus [inherent in Rosser for picture in a picture] if at least one of the criteria (i) [col. 5, lns. 13-25, wherein the condition of (i) is already asserted since the data is video] and (ii) is true, the coordinates defining said portion of the display screen" as [detailed].

**(10) Response to Argument**

The Appellants present two positions for standing argument:

A) With respect to claims 1, 11 and 12, the Appellants argue that there is no teaching or suggestion in Rosser of detection means specifically configured for detecting whether at least one of criteria (i) or (ii) is fulfilled for displaying information being displayed in a portion of the display screen; and

B) That Rosser teaches enhancement means for enhancing the display information being displayed in the portion of the display if at least one of the criteria (i) or (ii) is true is in error.

While the claims do not make use of the term “specifically configured”, one would probably tend to read this into the claims by reason of the implied logic of the claims.

For example, claim 1 reads:

1. A system comprising:

a display information-generating device for generating display information,

a display apparatus having a display screen for displaying the display information,

detection means for detecting whether at least one of the following criteria is fulfilled for display information being displayed in a portion of the display screen:

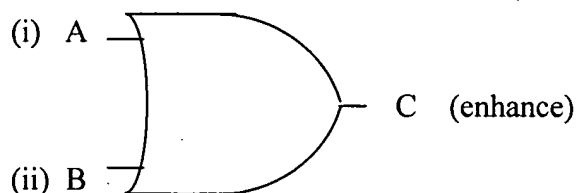
(i) an application is one of a group of applications indicating that non-synthetic information is displayed, in which the application is not a picture viewer,

(ii) an extension of a file is one of a group of extensions indicating that non-synthetic information is displayed, and

enhancement means for enhancing the display information being displayed in said portion of the display screen if at least one of the criteria (i) and (ii) is true.

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The logic of the claim appears as though it is a Boolean two input, one output logic condition, known to those in the art as an 'OR gate'. Represented below:

**'OR Gate':**

	A (i)	B (ii)	C (enhance)
1	0	0	0
2	0	1	1
3	1	0	1
4	1	1	1

There are four different combinations of inputs A (i) and B (ii) labeled 1 through 4 that determine result C (enhancement) as shown in the "OR gate" truth table supra. The legend is: 0 = false, 1 = true.

Given the wording of the claims: "detection means for detecting whether at least one of the following criteria is fulfilled" is represented by the combinations shown in lines 2 through 4 of the truth table for the assertion of C (enhancement) to be true, which is commensurate with "enhancement means for enhancing the display information being displayed in said portion of the display screen if at least one of the criteria (i) and (ii) is true".

However, given the logic of the claims, there is no requirement as to the assertion for C (enhancement) if both A (i) and B (ii) are both 1 (true) other than at least one of them being asserted true. For this to be the case, the claims would need to state additional limitations to provide for the participation of both (i) and (ii), but it doesn't. It merely states: "at least one of".



The point of all this Boolean hand-waving logic is to show that if one of the criteria is asserted true, detection of the other criteria is not necessary. It is only necessary to detect the other criteria (ii) if the first criteria (i) is false. This is the conditional requirement to satisfy “if at least one of the criteria (i) and (ii) is true”.

In other words, enhancement means, E, is a function of (i) represented as E(i); also enhancement means, E, is a function of (ii) represented as E(ii). In as much as this is evident, enhancement means, E, is only a function of both (i) and (ii) such that E(i, ii) wherein if the first is detected false, then the second must be detected to satisfy “if at least one of the criteria (i) and (ii) is true”.

Recall now that if detection of the first criteria is true, the other remaining criteria does not need to be detected, since the condition of “if at least one of the criteria (i) and (ii) is true” has been satisfied.

Therefore it is straight forward and clear now that the reference Rosser (US 6,446,261 B1) only needs to show a first single criteria as true, not both, to satisfy the claim limitation of “if at least one of the criteria (i) and (ii) is true”.

However, it will be shown that Rosser does disclose each criteria (i) and (ii) individually in the broad sense of detection for an equivalent interpretation with any of the following: to perceive, catch, discern, indicate, spot, distinguish, interpreting, mark, note, notice, observe, remark, trigger, discover or determine.

Furthermore “an extension of a file” broadly interpreted also corresponds to any extra data associated with a file as in – Rosser, column 5, lines 21-30 at ‘The extra channels and turners necessary for the network to offer alternate, full video to its advertisers, could also be

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used to have multiple windows, i.e., **enhanced picture in a picture**. Multiple windows would also enable the ability to turn on with predetermined setups more compelling. The warping necessary for the downstream, slave LVIS system, could be used to make one or more of these **windows re-sizable, magnifiable** (for people who wanted to examine some detail of the video) and even **rotatable** (for people who may want to lie down and have the video on its side as well).‘

Rosser discloses in column 5, lines 33 - 48 ‘Such devices can also provide viewers with their own instant replay feature, automatically storing the last five or more minutes of what ever program was being watched. This feature would also make the **magnification** capability more compelling, especially for example to sports fans who may wish to go back and look at some aspect of play such as a ball landing close to a line in detail. Writable devices can also act as a **scrap pad for grabbing bits of video** they want to see later or show someone else; or as a more conventional **video recorder**. These additional features may also be used as **triggers** for showing live or still **video** advertisements, either before or after the feature is used, or as a border advertisement during the use of the feature, or as a live video insertion on some recognized part of the video.’ Wherein ‘triggers’ correspond to “detection”; ‘enhanced picture in a picture’, ‘windows re-sizable, magnifiable’, rotatable’, ‘magnification’ and ‘scrap pad for grabbing bits of video’ correspond to “enhancement”; while ‘video recorder’ and ‘video’ correspond to “an application is one of a group of applications indicating that non-synthetic information is displayed, in which the application is not a picture viewer”.

Furthermore the specification reveals “detection” and “means for detection” with respect to criteria (i), that (See specification page 2, lines 20 - 33) at “... It is further disclosed that the

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microprocessor in the computer **may detect** which application is running in a window, and if this application is a picture viewer, indicate to the monitor that a picture is displayed. Therefore, a picture viewer has to be disclaimed. Examples of applications which fall within the group of applications indicating that non-synthetic information is displayed, and which are not picture viewers, are **movie players or other applications for showing video, for example from a TV tuner card or from a video recorder, camcorder, or digital (video) camera** connected to the PC.”

Further along the reasoning of “detection”, Rosser uses ‘functions of recognition using recognition unit’ in conjunction with ‘video transmission, which may, for example, be a live television broadcast’ – column 6, lines 11 – 48.

Furthermore Rosser discloses in column 7, lines 28 – 45 at ‘The set-top user may have appropriate means for **decompressing 52 signals as well as other suitable control devices 54** which may perform various functions that make the set-top device desirable to the end user, such as but not limited to, customized burn-ins, automatic channel selection on power up and **magnification of or re-sizing of extra viewing windows**. The set-top device 44 of the preferred embodiment has, as a minimum, the components of a downstream LVIS system 46, with the ability to strip-off, interpret and use the information mixed in with the **video** signal by the upstream LVIS system 16. In particular, the down stream unit 46 is able to use the information generated by the **recognition unit 18**, the tracking unit 20, and the occlusion mask production unit 22 to perform seamless insertion of still, animated, and **live video** indicia into the **video** stream in a way that can make the inserted indicia appear to the end user as if it were part of the original scene 10.’ Wherein boldface emphasizes corresponding elements of criteria (i).

In column 7, lines 46 – 51 at ‘The set-top device 44 of the preferred embodiment is also **capable of stripping off, interpreting and using any of a graphic or video**, a user enabling key, one or more viewer usage profile keys 120, and a program category code, each of which may have been attached to the **video** stream by the encoding unit 24 or by central studio site facility 34.’ Wherein “capable of stripping off, interpreting and using any of a graphic or video” corresponds to detection of criteria (i).

Thus it is clear that Rosser discloses criteria (i).

Criteria (ii): “an extension of a file is one of a group of extensions indicating that non-synthetic information is displayed.”

The specification reveals “detection” and “means for detection” with respect to criteria (ii), that (See specification page 3, lines 1 - 4) at “With respect to (ii) it **may be detected** whether an extension of a file which contains the information to be displayed in the area is one of a group of extensions indicating that non-synthetic information is displayed. **Examples of such extensions are: jpg, tiff, mpg, mov and so on.**”

Rosser discloses in column 7, line 59 – column 8, line 4, ‘The end-user set-top 44 of the preferred embodiment is shown in greater detail in the schematic drawing of FIG. 2. The input data stream 70, which may be broadcast **video** or another suitable means of transmitting **video** to an end user, including but not limited to analogue or **digital television broadcast**, or **MPEG2** or other compressed **video**, is typically received via a selection device 72, which may be, but is not limited to, a standard television tuner. The function of the selection device 72 is to **discriminate between the variety of different video programs or data streams** which may be being distributed over the same channel but on different frequency bands, or deriving from different

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locations on a network.' Wherein boldface emphasizes corresponding elements of criteria (ii), i.e. 'MPEG2' corresponds to ".tiff, .jpg, .mpg, .mov, and so on".

Furthermore in column 10, lines 21 – 35 at "For instance, one use may be to have a single **video** insertion 90 of a product, but with a number of different texts 92. The default text may be in English, but for viewer usage profiles 74 that show usage of particular ethnic **channels**, such as Spanish language channels, the text may be in Spanish. Matching a viewer usage profile 74 of the current set-top device 44 and the required viewer usage profile 94 is done by **profile matcher** 96 which **selects** required text data 92 to be fed to **text-to-video converters** 98. Profile matcher 96 also selects which of the stored **video** insertions 90 are fed to warp unit 100. **Warp** unit 100 takes the appropriate model information 88 and uses it to **warp the appropriate text video** 98 and the appropriate **video** insertion 90 into the appropriate pose required to make the insertion behave as if it were part of the natural scene." Wherein boldface emphasizes corresponding elements of criteria (ii), i.e. 'warp' corresponds to "enhancement", "matcher" "selects" corresponds to "detection", and 'video' corresponds to "showing video" (non-synthetic information).

In addition Rosser describes in column 11, lines 40 – 61 at "One of the functions of the **central controller** is to carry out the viewer instructions by setting up the appropriate connections between all the **appropriate modules** within the set top device. This includes selection of the modem, cable modem, **tuner or decoder** as the primary receiving device; setting up of that primary receiving device to the appropriate **channel**, bandwidth or address to receive the data or program requested by the user; and using the data and **video** routers to direct the **television video**, audio and data signals via the appropriate storage and **processing devices**,

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including but not limited to the **video** and audio storage unit 152, the decompression unit 154, the **video** and audio mixer 156 the occlusion mask generator 158, the **warper** 160 and the channel modulator 162, so that the viewer ends up with the information requested, which may be a **television program**, or a text or image page in hyper text mark up language (HTML) or **virtual reality modeling language (VRML)** or **other suitable protocol**, from the world wide web, or some combination of such sources, displayed in the appropriate form on their end viewing device 106, which may be a **television** set or a computer **monitor** or other suitable **means of displaying video or television information.**" Wherein boldface emphasizes corresponding elements of criteria (ii), i.e. 'appropriate modules', 'channel' corresponds to extensions of files; 'tuner or decoder', 'video', 'television', correspond to "showing video" (non-synthetic information), 'VRML' corresponds to ".tiff, .jpg, .mpg, .mov, and so on".

Thus it is therefore clear that Rosser also discloses criteria (ii).

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

 3/1/02


Gregory F. Cunningham

Examiner, Art Unit 2624

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03/01/2007